

# **EXHIBIT 1**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

ESSENCE TAYLOR and DANIEL CASHMAN  
*on behalf of themselves and all other employees  
similarly situated,*

Plaintiffs,

v.

DELTA-SONIC CAR WASH SYSTEMS, INC.,  
and RONALD BENDERSON,

Defendants.

**DECLARATION OF BRIAN  
EVERS**

Civil Action No.  
6:14-cv-06698-MAT-JWF

STATE OF NEW YORK     )  
                                      ) ss:  
County of Monroe         )

I, Brian Evers, am over the age of 18, have personal knowledge of the facts stated herein, and am capable of making this declaration.

1. I am the Vice President and Chief Financial Officer of Delta-Sonic Car Wash, Inc. ("Delta-Sonic"). I have served in that role since June 2003. My job duties include oversight of Delta-Sonic's payroll department.

2. Delta-Sonic operates car washes at 19 locations in western New York, including Buffalo, Syracuse, and Rochester. 16 facilities also provide interior and exterior detailing in "Detail Shops." 11 facilities also provide oil changes in "Lube Shops."

3. Site Supervisors are the highest position at any individual location. Site Supervisors do the majority of the interviewing and hiring for their location. The HR Department provides them interview checklists for use during interviews.

4. Delta-Sonic calls the employees who clean the interior and exterior of the vehicles Delta Technicians or "Delta Techs." Delta-Sonic hires and trains almost all new employees as Delta Techs. Their duties include power-washing the vehicles, programming the carwash computer, hand-drying vehicles, and detailing the interior and exterior of vehicles. Delta Techs regularly earn tips from customers.

5. As employees progress at Delta Sonic, they can take on a variety of other positions, including Wash Cashier, which involves selling car wash and detail services to customers and ringing up their purchases.

6. All new employees attend "Kiss University," Delta-Sonic's orientation program conducted by Corporate Trainers. During orientation, employees are instructed about Delta-Sonic policies, practices, and procedures on pay, uniforms, customer service, and safety, among other things.

7. Since at least 2010, Delta-Sonic distributed written pay sheets to employees through a variety of methods to inform them about Delta Tech pay. Trainers distributed the pay sheets during orientation, Site Supervisors and other managers use the pay sheets during training, and many Site Supervisors also post the pay sheets in the employee break room, near the time clock, or other places at their location. Examples of those pay sheets are attached as Exhibit A.

8. When employees go through orientation, the Trainers cover pay with them. The Trainers distribute the pay sheets and have the employees sign them. The Trainers then place the signed pay sheet into the employees' personnel file, which Delta-Sonic maintains as a routine part of business. Copies of pay sheets from personnel files for some of the individual plaintiffs in this case are attached as Exhibit B.

9. At some point, Delta-Sonic also began using a form from the New York Department of Labor that Delta-Sonic filled out to inform employees about their pay (the “NY DOL form”). Delta-Sonic distributes these forms to employees at orientation, has employees sign and date the forms, and keeps the signed forms in the employees’ personnel files. In certain circumstances, the Company also distributed these forms to some employees after their hire date, obtained a signature, and kept them in personnel files. Copies of the NY DOL forms from personnel files for some of the individual plaintiffs in this case are attached as Exhibit C.

10. Delta-Sonic requires employees working in a tipped position to claim the tips that they earn – that is, report to Delta-Sonic the exact amount of money in tips that they made. Delta-Sonic maintains records of the amount of tips claimed by employees. The tip claim records for Daniel Cashman and Essence Taylor, the Plaintiffs in this lawsuit, are attached as Exhibit D.

11. Delta-Sonic maintains records of the employee’s hire date, positions, and discharge date in an electronic document called the Job History. Copies of Job Histories for some of the individual plaintiffs in this case are attached as Exhibit E.

12. With each paycheck, Delta-Sonic provides employees with a paystub explaining the basis and calculation of their pay. Delta-Sonic maintains paystub records electronically. Copies of those paystubs for some of the individual plaintiffs in this case are attached as Exhibit F.

13. Delta-Sonic maintains its payroll records and information electronically. Employee pay and their paystubs are created from this database. Delta-Sonic’s payroll department routinely runs various reports from the payroll database. For example, Delta-Sonic might need to see how much it paid out in overtime over a given period, and the payroll

department would program the payroll software to run that report from the database. As another example, the payroll department periodically runs U.S. and New York Department of Labor compensation survey reports from the database. Those reports require the payroll department to program a formula to calculate the per hour pay amount for each employee, including all regular hours worked at all applicable rates, but minus any overtime or tips. The payroll software can export the report into a variety of formats, including into a Microsoft Excel spreadsheet. Oftentimes the payroll department must get assistance from Delta-Sonic's payroll software vendor to program the software to obtain the needed report.

14. The payroll department ran the report attached at Exhibit G. With assistance from the payroll vendor, the payroll department programmed the software to export the following data from the payroll database into an Excel spreadsheet: select employee numbers, names, job codes, and car wash location codes ("Org Level 2 Code"); the pay date, or "Period Control Date"; all money the company paid to the employee on that pay date, excluding any overtime pay and tips ("Gross - Tips"); all hours the employee worked as recorded on that pay date, excluding overtime hours ("Reg hours worked"). The payroll department then programmed the applicable minimum wage. Although the software program retains the current applicable minimum wage for purposes of calculating guarantee pay, it does not archive prior years' minimum wages. The software was then programmed to divide "Gross - Tips" figure by "Reg hrs worked" ("Avg Pay Rate") and then subtract the "Avg Pay Rate" from the applicable minimum wage rate ("Variance").

15. All Delta-Sonic locations in New York post wage-and-hour signs in their break rooms. The signs include a Federal Labor Law sign that states the federal minimum wage and a

New York Labor Law sign that states the New York minimum wage. Photographs of those posters are attached as Exhibit H.

16. In November 2007, Delta-Sonic posted a print-out of New York Labor Law Section 196-d in the break room of the locations at Main Street (1264 Main Street, Buffalo), Boulevard (1355 Niagara Falls Boulevard, Buffalo), Walden (2285 Walden Ave, Cheektowaga), Salina (3720 Brewerton Road, Syracuse), and Transit (4983 Transit Road, Williamsville). In July 2012, Delta-Sonic posted the Section 196-d print-out in the break room at Orchard Park (3205 Orchard Park Road, Orchard Park). In July 2013, the Company posted Section 196-d in all New York locations. A copy of this sign is attached as Exhibit I.

17. The NY Department of Labor has visited Delta-Sonic at least 11 times since November 2007. During those visits, investigators looked at payroll documents and personnel files. At no time did any investigator inform Delta-Sonic that its paystubs were not in compliance with the Miscellaneous Wage Order.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 14, 2015.



Brian Evers

# **EXHIBIT A**

The position of Delta Technician consists of four different levels that include various job functions. You are required to successfully complete specific training certification requirements before moving to the next level.

<b>Levels</b>	<b>Certification Requirements</b>	<b>Job Functions</b>
Delta Tech Level 1	Kiss University-Entry Level	Primarily Power Washing and Conveyor Floater. Minimal Dry Time at Wash Exit (never guaranteed rotation/hours)
Delta Tech Level 2	Kiss Off Certification-Practical	Same as Above & Kiss Off (Requires Mgt final quality inspection) Primarily works in a tipped position over Delta Tech 1
Delta Tech Level 3	Super Cert and Express Service Test Written and Practical Portion	Kiss Off (Does Not require Mgt final quality inspection) Primarily works in a tipped position over Delta Tech 1-2 Performs Express Services
Delta Tech Level 4	Same as above and complete Paint Specialist Training Class	Same as Delta Tech 3 & Perform Full Details Primarily works in a tipped position over Delta Tech 1-3

As our business volume is dictated by weather conditions, the amount of available working hours will fluctuate. To assist us in determining how this time is distributed, Delta Sonic will follow certain guidelines. The higher the level of certification that you achieve increases the opportunity for you to be selected to receive available work hours & time in a tipped position. Longevity and flexible availabilities will also be taken into consideration. It is our goal to follow these guidelines to help provide a fair process & equal opportunity for everyone. **Delta Tech Level 1 employees are never guaranteed hours or time in a tipped position.**

#### **Pay Rates**

Your pay rate is determined by the job functions that you are assigned to perform. Job functions are assigned to you by your manager and are dependent upon your Delta Tech certification level, as well as by the needs of our business operations and staffing requirements. Whenever you are instructed by your manager to work in a specific job function, it is your responsibility to clock into the appropriate job function to ensure that you are paid the correct pay rate. Outlined below are the Delta Tech job functions, pay rates and codes for clocking in.

**Longevity Pay-** \$0.15 cents per hour/years of service will be added to your base hourly rate for all non-tipped hrs.

<b>Job Functions</b>	<b>Pay Rate</b>	<b>Description</b>	<b>Code for Clocking In</b>
Kiss Off/Dry at Wash Exit	Minimum of \$6.60 plus tips (Total never to be less than \$8.75)	Tipped Position	Detail-T / Wash-T
P.Washing/Baywatch/C. Floater	\$8.75	Non-Tipped Position	P.Wash/Baywatch/Detail-NT
Wash Programmer	\$9.25 *	Programming	Programmer
Performing Express Services	Minimum of \$6.60** plus tips (Total never to be less than \$8.75)	Express Tech (Tipped Position)	Detail-T
Selling Express Services	\$8.75**	Top Gun (Certification Required)	Top Gun
Performing Full Details	\$9.25**	Paint Specialist	Paint Specialist

\* Eligible to receive a busy day bonus. Refer to the Delta Tech Busy Day Bonus Chart. Certification required.

\*\* Eligible to receive commissions for performing and selling Express & Full Detail Services. Refer to D.S. Comm. Schedule.

Delta Techs are required to claim all tips by completing the assigned tip sheet (form/program) on a daily basis.

**Effective Date:** December 2014 and is subject to change at anytime per management's discretion.



### **Exterior Only-Delta Technician Pay Chart- NY Market**

For the following “Exterior Only” locations West Seneca, Airport, McKinley and Irondequoit (No Detail Shop) only the Delta Tech Level 1 position applies. For those locations that have a Detail Shop, the Delta Tech position consists of 4 different levels with each level consisting of various certification requirements and job functions that include working in the Detail Shop.

<b>Levels</b>	<b>Certification Requirements</b>	<b>Job Functions</b>
Delta Tech Level 1	Kiss University	Primarily Power Washing Dry at Wash Exit (never guaranteed rotation/hours) Wash Programmer/Bay Watch- certification required

As our business volume is dictated by weather conditions, the amount of available working hours will fluctuate. To assist us in determining how this time is distributed, Delta Sonic will follow certain guidelines. The higher the level of job title that you achieve, as well as longevity and open availability, increases the opportunity for you to be selected to receive available work hours & time working in a tipped position. For example, at an Exterior Only location a Wash Cashier may take precedence over a Delta Tech Level 1 to receive working hours or time in a tipped position Drying at the Wash Exit. It is our goal to follow these guidelines to help provide a fair process & equal opportunity for everyone.

#### **Pay Rates**

Your pay rate is determined by the job functions that you are assigned to perform. Job functions are assigned to you by your manager and are dependent upon your job title, the needs of our business operations and staffing requirements. Whenever you are instructed by your manager to work in a specific job function, it is your responsibility to clock into the appropriate job function to ensure that you are paid the correct pay rate. Outlined below are the Delta Tech Level 1 job functions, pay rates and codes for clocking in. If you are an active employee prior to the effective date of this pay program, your current tipped pay rate will remain the same. Longevity Pay- \$0.15 cents per hour/years of service will be added to your base hourly rate for all non tipped hours.

<b>Job Functions</b>	<b>Pay Rate</b>	<b>Description</b>	<b>Code for Clocking In</b>
Dry at Wash Exit	\$5.50	Tipped Position	Wash-T
Power Washing	\$7.25	Non-Tipped Position	Power Washer
Wash Programmer/Bay Watch	\$8.00*	Programming/Bay Watcher	Programmer

\*Eligible to receive a busy day bonus. Refer to the Delta Tech Busy Day Bonus Chart. Certification required.

#### **Tips**

When working in a tipped position your hourly pay rate will be made up of a base pay rate of **\$5.50** per hour **plus tips**. Your total average hourly pay rate for the week will be guaranteed to be no less than **\$7.30** per hour. Delta Techs are required to claim all tips by completing the assigned tip sheet form on a daily basis.

**Effective Date:** June 2012 and is subject to change at anytime per management’s discretion.

The position of Delta Technician consists of four different levels that include various job functions. You are required to successfully complete specific training certification requirements before moving to the next level.

<b>Levels</b>	<b>Certification Requirements</b>	<b>Job Functions</b>
Delta Tech Level 1	Kiss University-Entry Level	Primarily Power Washing and Conveyor Floater Dry at Wash Exit (never guaranteed rotation/hours)
Delta Tech Level 2	Kiss Off Certification	Same as Above & Kiss Off (Requires Mgt final quality inspection) Primarily works in a tipped position over Delta Tech 1
Delta Tech Level 3	Super Cert- Done By Detail Director Express Cert- Done By Detail Director	Kiss Off (Does Not require Mgt final quality inspection) Primarily works in a tipped position over Delta Tech 1-2 Performs Express Services and is a Certified Inspector
Delta Tech Level 4	Same as above & Paint Specialist	Same as Delta Tech 3 & Priority is to perform Full Details Primarily works in a tipped position over Delta Tech 1-3

As our business volume is dictated by weather conditions, the amount of available working hours will fluctuate. To assist us in determining how this time is distributed, Delta Sonic will follow certain guidelines. The higher the level of certification that you achieve, as well as longevity and open availability, increases the opportunity for you to be selected to receive available work hours & time working in a tipped position. For example, a Delta Tech Level 3/4 may take precedence over a Delta Tech Level 1/2 to receive working hours or time in a tipped position including Drying at the Wash Exit. Utilizing a Delta Tech 3 or 4 for power washing/conveyor floating should be a last resort. It is our goal to follow these guidelines to help provide a fair process & equal opportunity for everyone.

#### **Pay Rates**

Your pay rate is determined by the job functions that you are assigned to perform. Job functions are assigned to you by your manager and are dependent upon your Delta Tech certification level, as well as the needs of our business operations and staffing requirements. Whenever you are instructed by your manager to work in a specific job function, it is your responsibility to clock into the appropriate job function to ensure that you are paid the correct pay rate. Outlined below are the Delta Tech job functions, pay rates and codes for clocking in. If you are an active employee prior to the effective date of this pay program, your current tipped pay rate will remain the same. Longevity Pay- \$0.15 cents per hour/years of service will be added to your base hourly rate for all non tipped hours.

<b>Job Functions</b>	<b>Pay Rate</b>	<b>Description</b>	<b>Code for Clocking In</b>
Kiss Off/Dry at Wash Exit	\$5.50	Tipped Position	Detail-T / Wash-T
Power Washing/Conveyor Floater	\$7.25	Non-Tipped Position	Power Washer / Detail-NT
Wash Programmer/Bay Watch	\$8.00*	Programming/Bay Watcher	Programmer
Performing Express Services	\$5.50**	Express Tech (Tipped)	Detail-T
Selling Express Services	\$7.25**	Top Gun (Certification Required)	Top Gun
Performing Full Details	\$8.50**	Paint Specialist	Paint Specialist
Certified Inspector-Detail Shop	\$5.50	Inspect/Present (Tipped)	Detail-T

\*Eligible to receive a busy day bonus. Refer to the Delta Tech Busy Day Bonus Chart. Certification required.

\*\* Eligible to receive commissions for performing and selling Express & Full Detail Services. Refer to D.S. Comm. Schedule.

#### **Tips**

When working in a tipped position your hourly pay rate will be made up of a base pay rate of **\$5.50** per hour **plus tips**. Your total average hourly pay rate for the week will be guaranteed to be no less than **\$7.30** per hour. Delta Techs are required to claim all tips by completing the assigned tip sheet form on a daily basis.

**Effective Date:** March 2012 and is subject to change at anytime per management's discretion.

## NY Delta Technician 1-4

Employee name: \_\_\_\_\_ Date of hire: \_\_\_\_\_

The position of Delta Technician consists of four different levels that include various job functions. You are hired as a Delta Technician Level 1. You are required to successfully complete specific training certification requirements before moving to the next level.

**As our business volume is dictated by weather conditions, the amount of available working hours will fluctuate. To assist us in determining how this time is distributed, Delta Sonic will follow certain guidelines. The higher the level of certification that you achieve, as well as longevity and open availability, increases the opportunity for you to be selected to receive available work hours & time working in a tipped position. Delta Tech Level 1 employees are never guaranteed hours or rotation time in a tipped position.**

Job functions are assigned to you by your manager and are dependent upon your Delta Tech certification level, as well as the needs of our business operations and staffing requirements. Whenever you are instructed by your manager to work in a specific job function, it is your responsibility to clock into the appropriate job function to ensure that you are paid the correct pay rate.

While working any hours in a non-tipped job function, you will be paid an hourly rate of **\$7.25**.

When working in a tipped job function, you can be assured that your total average hourly pay rate for those hours worked will be guaranteed to be no less than **\$7.30** per hour. Your hourly pay will be made up of a base pay rate of **\$5.50** per hour **plus tips**.

At the completion of your work shift, you are required to claim how much money you made in tips that day. If you worked in a non-tipped position or you did not make any tips that day you still need to put "0" in the block for that day. At the end of each week, payroll will calculate the amount of tips you made along with the number of hours you worked in a tipped position. If you did not make enough in tips while working in a tipped position to ensure your total pay (base pay and tips) comes up to **\$7.30**, we will add in the difference to make sure we meet the guarantee of **\$7.30**. (See examples below)

On busy days, you may work as a Bay Watcher or Programmer. In these positions, you will be paid **\$8.00/hr**

**-----Examples of Guaranteed Rates while in a tipped position-----**

16 Hours	x 5.50 per hour =	\$88.00		20 hours	x5.50per hour =	\$110.00
	\$20.00 (Tips)	\$20.00			\$74.00 (Tips)	\$74.00
Company Makeup Pay	<b>\$0.55 /hr</b>	\$8.80		Company Makeup Pay	<b>\$0.00/hr</b>	\$0.00
	Total	\$116.80			Total	\$184.00
	Paid	\$7.30/hr			Paid	\$9.20/hr
	OT Rate	\$10.95/hr			OT Rate	\$13.80/hr

### Signed Acknowledgment Section:

I have been explained the Delta Technician Level 1 Pay Rates and fully understand how I will be paid.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# **EXHIBIT B**

## NY Delta Technician 1-4

Employee name: Danny Lashmo Date of hire: 12/7/13

The position of Delta Technician consists of four different levels that include various job functions. You are hired as a Delta Technician Level 1. You are required to successfully complete specific training certification requirements before moving to the next level.

As our business volume is dictated by weather conditions, the amount of available working hours will fluctuate. To assist us in determining how this time is distributed, Delta Sonic will follow certain guidelines. The higher the level of certification that you achieve, as well as longevity and open availability, increases the opportunity for you to be selected to receive available work hours & time working in a tipped position. Delta Tech Level 1 employees are never guaranteed hours or rotation time in a tipped position.

Job functions are assigned to you by your manager and are dependent upon your Delta Tech certification level, as well as the needs of our business operations and staffing requirements. Whenever you are instructed by your manager to work in a specific job function, it is your responsibility to clock into the appropriate job function to ensure that you are paid the correct pay rate.

While working any hours in a non-tipped job function, you will be paid an hourly rate of \$7.25.

When working in a tipped job function, you can be assured that your total average hourly pay rate for those hours worked will be guaranteed to be no less than \$7.30 per hour. Your hourly pay will be made up of a base pay rate of \$5.50 per hour plus tips.

At the completion of your work shift, you are required to claim how much money you made in tips that day. If you worked in a non-tipped position or you did not make any tips that day you still need to put "0" in the block for that day. At the end of each week, payroll will calculate the amount of tips you made along with the number of hours you worked in a tipped position. If you did not make enough in tips while working in a tipped position to ensure your total pay (base pay and tips) comes up to \$7.30, we will add in the difference to make sure we meet the guarantee of \$7.30. (See examples below)

On busy days, you may work as a Bay Watcher or Programmer. In these positions, you will be paid \$8.00/hr

## Examples of Guaranteed Rates while in a tipped position

16 Hours	x 5.50 per hour =	\$88.00	20 hours	x 5.50 per hour =	\$110.00
	\$20.00 (Tips)	\$20.00		\$74.00 (Tips)	\$74.00
Company Makeup Pay	\$0.55 /hr	\$8.80	Company Makeup Pay	\$0.00 /hr	\$0.00
	Total	\$116.80		Total	\$184.00
	Paid	\$7.30/hr		Paid	\$9.20/hr
	OT Rate	\$10.55/hr		OT Rate	\$13.80/hr

## Signed Acknowledgment Section:

I have been explained the Delta Technician Level 1 Pay Rates and fully understand how I will be paid.

Employee Signature: [Signature] Date: 12/17/13

**NY Delta Technician 1- New 2012**Employee name: Kievonn Banks Date of hire: 7/21/12

The position of Delta Technician consists of four different levels that include various job functions. You are hired as a Delta Technician Level 1. You are required to successfully complete specific training certification requirements before moving to the next level.

**As our business volume is dictated by weather conditions, the amount of available working hours will fluctuate. To assist us in determining how this time is distributed, Delta Sonic will follow certain guidelines. The higher the level of certification that you achieve, as well as longevity and open availability, increases the opportunity for you to be selected to receive available work hours & time working in a tipped position. Delta Tech Level 1 employees are never guaranteed hours or rotation time in a tipped position.**

Job functions are assigned to you by your manager and are dependent upon your Delta Tech certification level, as well as the needs of our business operations and staffing requirements. Whenever you are instructed by your manager to work in a specific job function, it is your responsibility to clock into the appropriate job function to ensure that you are paid the correct pay rate.

While working any hours in a non-tipped job function, you will be paid an hourly rate of **\$7.25**.

When working in a tipped job function, you can be assured that your total average hourly pay rate for those hours worked will be guaranteed to be no less than **\$7.30** per hour. Your hourly pay will be made up of a base pay rate of **\$5.40** per hour **plus tips**.

At the completion of your work shift, you are required to claim how much money you made in tips that day. If you worked in a non-tipped position or you did not make any tips that day you still need to put "0" in the block for that day. At the end of each week, payroll will calculate the amount of tips you made along with the number of hours you worked in a tipped position. If you did not make enough in tips while working in a tipped position to ensure your total pay (base pay and tips) comes up to **\$7.30**, we will add in the difference to make sure we meet the guarantee of **\$7.30**. (See examples below)

On busy days, you may work as a Bay Watcher or Programmer. In these positions, you will be paid **\$8.00/hr**

-----**Examples of Guaranteed Rates while in a tipped position**-----

16 Hours	x 5.40 per hour =	\$86.40		20 hours	x 5.40 per hour =	\$108.00
	\$20.00 (Tips)	\$12.00			\$74.00 (Tips)	\$74.00
Company Makeup Pay	<b>\$1.15 /hr</b>	\$18.40		Company Makeup Pay	<b>\$0.00/hr</b>	\$0.00
	Total	\$117.95			Total	\$182.00
	Paid	\$7.30/hr			Paid	\$9.10/hr
	OT Rate	\$10.95/hr			OT Rate	\$13.65/hr

**Signed Acknowledgment Section:**

I have been explained the Delta Technician Level 1 Pay Rates and fully understand how I will be paid.

Print Name: Kievonn Banks

Employee Signature: Kievonn Banks Date: 7/21/12



## Delta Technician

Employee name: Melissa Blotta Date of hire: 3-5-11

Delta Technician position has many different job functions within the job description. Some of those duties include but are not limited to power washing vehicles, drying cars, programming cars, bay watching, cleaning the inside of vehicles, washing towels, cleaning the bathrooms, sweeping floors, cleaning the parking lots. Regardless of what job function you are performing you can be assured that your total average hourly pay rate for the week will be guaranteed to be no less than **\$7.30** per hour. Your hourly pay will be made up of a base pay rate of **\$5.50** per hour **plus tips**.

At the completion of your work shift, you are required to claim how much money you made in tips that day. If you worked in a non-tipped position or you did not make any tips that day you still need to put "0" in the block for that day. At the end of each week, payroll will calculate the amount of tips you made along with the number of hours you worked. If you did not make enough in tips to ensure your total pay (base pay and tips) comes up to **\$7.30**, we will add in the difference to make sure we meet the guarantee of **\$7.30**. (See examples below)

### Commissions on Express Services

Once an employee is trained and certified to either sell or perform Express Services (Express Hand Wax, Express Carpet Shampoo, etc.) they are eligible to receive commissions and tips while either performing or selling these services.

### Examples

Work Week 1:

16 hours	x	\$5.50	per hour	=	\$88.00
	+	\$10.00	Tips		\$10.00
	+	\$3.00	Commissions		\$3.00
Company makeup		\$0.99	Hour		
			Makeup Pay		\$15.80
			Total	=	\$116.80
			PAID		\$7.30 hour
OT= Avg hourly pay	x	1.5	Overtime Rate		\$10.95 hour

Work Week 2:

20 hours	x	\$5.50	per hour	=	\$110.00
	+	\$54.00	Tips		\$54.00
	+	\$7.50	Commissions		\$7.50
Company makeup		\$0.00	Hour		
			Makeup Pay		\$0.00
			Total	=	\$171.50
			PAID		\$8.58 hour
OT= Avg hourly pay	x	1.5	Overtime Rate		\$12.86 hour

MB, I understand that as the above examples reflect that my rate of pay and overtime rate will  
(Employee initials)  
change based on amounts of earnings of tips and commissions respectively.



**Labor Law Section 195(1)**  
**Notice and Acknowledgement of Wage Rate and Designated Payday**  
**Hourly Rate Plus Overtime**

<u>Employer</u>	<u>Employee</u>
Company Name <u>Delta Sonic Car Wash System, Inc.</u>	Name <u>Melissa Blotta</u>
FEIN <u>16-0972035</u>	Street Address <u>23 Simpson Drive</u>
Street Address <u>570 Delaware Avenue</u>	Apt. <u>-</u> City <u>Croton-Harmon</u>
City <u>Buffalo</u> State <u>New York</u>	State <u>New York</u> Zip <u>14225</u>
Zip <u>14202</u>	Phone <u>(716) 986-7816</u>
Phone <u>(716) 541-2100</u>	
Preparer's Name <u>Jaime Shapiro</u>	
Preparer's Title <u>Trainer</u>	
Your rate of pay: <u>\$ 5.50</u> <b>** (Please see attachment for details)</b> per hour.	
Your rate of pay: _____ salary per _____	
Other rate of pay: _____ per _____	
Your overtime rate of pay: <u>\$ 8.25</u> <b>** (Please see attachment for details)</b> per hour.	
Designated pay day: <u>Weekly on Fridays</u>	

I hereby certify that I have read the above and the information contained in this form is true and accurate to the best of my knowledge and belief. Any false statements knowingly made are punishable as a class A misdemeanor (Section 210.45 of the New York State Penal Law).

Date: 3-5-11

Jaime Shapiro  
 [Preparer's Signature]

**General Statement Regarding Overtime Pay in New York:**

Almost all employees in New York must be paid overtime wages of 1 ½ times their regular rate of pay for all hours worked over 40 per workweek. A very limited number of specific categories of employees are covered by overtime at a lower overtime rate or not at all.

I hereby acknowledge that I have been notified of my wage rate, overtime rate, and designated pay day on the date set forth below.

Date: 3-5-11

Melissa Blotta  
 [Employee's Signature]

*A duplicate signed copy of this form is to be provided to the employee. Original must be kept by the employer.*



Employee name: Amanda Conteh Date of hire: 12/8/12

The position of Delta Technician consists of four different levels that include various job functions. You are hired as a Delta Technician Level 1. You are required to successfully complete specific training certification requirements before moving to the next level.

**As our business volume is dictated by weather conditions, the amount of available working hours will fluctuate. To assist us in determining how this time is distributed, Delta Sonic will follow certain guidelines. The higher the level of certification that you achieve, as well as longevity and open availability, increases the opportunity for you to be selected to receive available work hours & time working in a tipped position. Delta Tech Level 1 employees are never guaranteed hours or rotation time in a tipped position.**

Job functions are assigned to you by your manager and are dependent upon your Delta Tech certification level, as well as the needs of our business operations and staffing requirements. Whenever you are instructed by your manager to work in a specific job function, it is your responsibility to clock into the appropriate job function to ensure that you are paid the correct pay rate.

While working any hours in a non-tipped job function, you will be paid an hourly rate of **\$7.25**.

When working in a tipped job function, you can be assured that your total average hourly pay rate for those hours worked will be guaranteed to be no less than **\$7.30** per hour. Your hourly pay will be made up of a base pay rate of **\$5.50** per hour **plus tips**.

At the completion of your work shift, you are required to claim how much money you made in tips that day. If you worked in a non-tipped position or you did not make any tips that day you still need to put "0" in the block for that day. At the end of each week, payroll will calculate the amount of tips you made along with the number of hours you worked in a tipped position. If you did not make enough in tips while working in a tipped position to ensure your total pay (base pay and tips) comes up to **\$7.30**, we will add in the difference to make sure we meet the guarantee of **\$7.30**. (See examples below)

On busy days, you may work as a Bay Watcher or Programmer. In these positions, you will be paid **\$8.00/hr**

-----**Examples of Guaranteed Rates while in a tipped position**-----

16 Hours	x 5.50 per hour =	\$88.00		20 hours	x 5.50 per hour =	\$110.00
	\$20.00 (Tips)	\$20.00			\$74.00 (Tips)	\$74.00
Company Makeup Pay	<b>\$0.55 /hr</b>	\$8.80		Company Makeup Pay	<b>\$0.00/hr</b>	\$0.00
	Total	\$116.80			Total	\$184.00
	Paid	\$7.30/hr			Paid	\$9.20/hr
	OT Rate	\$10.95/hr			OT Rate	\$13.80/hr

**Signed Acknowledgment Section:**

I have been explained the Delta Technician Level 1 Pay Rates and fully understand how I will be paid.

Print Name: Amanda Conteh

Employee Signature: Amanda Conteh Date 12/8/12

**NY Delta Technician 1-4**Employee name: Paul Dattilo Date of hire: 9/28/13

The position of Delta Technician consists of four different levels that include various job functions. You are hired as a Delta Technician Level 1. You are required to successfully complete specific training certification requirements before moving to the next level.

As our business volume is dictated by weather conditions, the amount of available working hours will fluctuate. To assist us in determining how this time is distributed, Delta Sonic will follow certain guidelines. The higher the level of certification that you achieve, as well as longevity and open availability, increases the opportunity for you to be selected to receive available work hours & time working in a tipped position. **Delta Tech Level 1 employees are never guaranteed hours or rotation time in a tipped position.**

Job functions are assigned to you by your manager and are dependent upon your Delta Tech certification level, as well as the needs of our business operations and staffing requirements. Whenever you are instructed by your manager to work in a specific job function, it is your responsibility to clock into the appropriate job function to ensure that you are paid the correct pay rate.

While working any hours in a non-tipped job function, you will be paid an hourly rate of \$7.25.

When working in a tipped job function, you can be assured that your total average hourly pay rate for those hours worked will be guaranteed to be no less than \$7.30 per hour. Your hourly pay will be made up of a base pay rate of \$5.50 per hour **plus tips**.

At the completion of your work shift, you are required to claim how much money you made in tips that day. If you worked in a non-tipped position or you did not make any tips that day you still need to put "0" in the block for that day. At the end of each week, payroll will calculate the amount of tips you made along with the number of hours you worked in a tipped position. If you did not make enough in tips while working in a tipped position to ensure your total pay (base pay and tips) comes up to \$7.30, we will add in the difference to make sure we meet the guarantee of \$7.30. (See examples below)

On busy days, you may work as a Bay Watcher or Programmer. In these positions, you will be paid \$8.00/hr

-----**Examples of Guaranteed Rates while in a tipped position**-----

16 Hours	x 5.50 per hour =	\$88.00	20 hours	x 5.50 per hour =	\$110.00
	\$20.00 (Tips)	\$20.00		\$74.00 (Tips)	\$74.00
Company	\$0.55 /hr	\$8.80	Company	\$0.00/hr	\$0.00
Makeup	Total	\$116.80	Makeup	Total	\$184.00
Pay	Paid	\$7.30/hr	Pay	Paid	\$9.20/hr
	OT Rate	\$10.95/hr		OT Rate	\$13.80/hr

**Signed Acknowledgment Section:**

I have been explained the Delta Technician Level 1 Pay Rates and fully understand how I will be paid.

Employee Signature: Paul Dattilo Date: 9/28/13

## NY Delta Technician 1-4

Employee name: Ayria Jacobs Date of hire: 6/22/13

The position of Delta Technician consists of four different levels that include various job functions. You are hired as a Delta Technician Level 1. You are required to successfully complete specific training certification requirements before moving to the next level.

As our business volume is dictated by weather conditions, the amount of available working hours will fluctuate. To assist us in determining how this time is distributed, Delta Sonic will follow certain guidelines. The higher the level of certification that you achieve, as well as longevity and open availability, increases the opportunity for you to be selected to receive available work hours & time working in a tipped position. Delta Tech Level 1 employees are never guaranteed hours or rotation time in a tipped position.

Job functions are assigned to you by your manager and are dependent upon your Delta Tech certification level, as well as the needs of our business operations and staffing requirements. Whenever you are instructed by your manager to work in a specific job function, it is your responsibility to clock into the appropriate job function to ensure that you are paid the correct pay rate.

While working any hours in a non-tipped job function, you will be paid an hourly rate of \$7.25.

When working in a tipped job function, you can be assured that your total average hourly pay rate for those hours worked will be guaranteed to be no less than **\$7.30** per hour. Your hourly pay will be made up of a base pay rate of **\$5.50** per hour **plus tips**.

At the completion of your work shift, you are required to claim how much money you made in tips that day. If you worked in a non-tipped position or you did not make any tips that day you still need to put "0" in the block for that day. At the end of each week, payroll will calculate the amount of tips you made along with the number of hours you worked in a tipped position. If you did not make enough in tips while working in a tipped position to ensure your total pay (base pay and tips) comes up to **\$7.30**, we will add in the difference to make sure we meet the guarantee of **\$7.30**. (See examples below)

On busy days, you may work as a Bay Watcher or Programmer. In these positions, you will be paid **\$8.00/hr**

-----Examples of Guaranteed Rates while in a tipped position-----

16 Hours	x 5.50 per hour =	\$88.00		20 hours	x 5.50 per hour =	\$110.00
	\$20.00 (Tips)	\$20.00			\$74.00 (Tips)	\$74.00
Company Makeup Pay	\$0.55 /hr	\$8.80		Company Makeup Pay	\$0.00/hr	\$0.00
	Total	\$116.80			Total	\$184.00
	Paid	\$7.30/hr			Paid	\$9.20/hr
	OT Rate	\$10.95/hr			OT Rate	\$13.80/hr

## Signed Acknowledgment Section:

I have been explained the Delta Technician Level 1 Pay Rates and fully understand how I will be paid.

Employee Signature: Ayria Jacobs Date: 6/22/13

## NY Delta Technician 1-4

Employee name: Bailey KishDate of hire: 3/8/14

The position of Delta Technician consists of four different levels that include various job functions. You are hired as a Delta Technician Level 1. You are required to successfully complete specific training certification requirements before moving to the next level.

As our business volume is dictated by weather conditions, the amount of available working hours will fluctuate. To assist us in determining how this time is distributed, Delta Sonic will follow certain guidelines. The higher the level of certification that you achieve, as well as longevity and open availability, increases the opportunity for you to be selected to receive available work hours & time working in a tipped position. Delta Tech Level 1 employees are never guaranteed hours or rotation time in a tipped position.

Job functions are assigned to you by your manager and are dependent upon your Delta Tech certification level, as well as the needs of our business operations and staffing requirements. Whenever you are instructed by your manager to work in a specific job function, it is your responsibility to clock into the appropriate job function to ensure that you are paid the correct pay rate.

While working any hours in a non-tipped job function, you will be paid an hourly rate of \$8.00.

When working in a tipped job function, you can be assured that your total average hourly pay rate for those hours worked will be guaranteed to be no less than \$8.00 per hour. Your hourly pay will be made up of a base pay rate of \$6.05 per hour plus tips.

At the completion of your work shift, you are required to claim how much money you made in tips that day. If you worked in a non-tipped position or you did not make any tips that day you still need to put "0" in the block for that day. At the end of each week, payroll will calculate the amount of tips you made along with the number of hours you worked in a tipped position. If you did not make enough in tips while working in a tipped position to ensure your total pay (base pay and tips) comes up to \$8.00, we will add in the difference to make sure we meet the guarantee of \$8.00. (See examples below)

On busy days, you may work as a Bay Watcher or Programmer. In these positions, you will be paid \$8.00/hr

-----Examples of Guaranteed Rates while in a tipped position-----

16 Hours	x 6.05 per hour =	\$96.80		20 hours	x6.05per hour =	\$121.00
	\$20.00 (Tips)	\$20.00			\$74.00 (Tips)	\$74.00
Company Makeup Pay	\$0.70 /hr	\$11.20		Company Makeup Pay	\$0.00/hr	\$0.00
	Total	\$128.00			Total	\$195.00
	Paid	\$8.00/hr			Paid	\$9.75/hr
	OT Rate	\$12.00/hr			OT Rate	\$14.63/hr

## Signed Acknowledgment Section:

I have been explained the Delta Technician Level 1 Pay Rates and fully understand how I will be paid.

Employee Signature: Bailey KishDate: 3/8/14

Employee name: Jacklyn Lenz Date of hire: 2/2/13

The position of Delta Technician consists of four different levels that include various job functions. You are hired as a Delta Technician Level 1. You are required to successfully complete specific training certification requirements before moving to the next level.

**As our business volume is dictated by weather conditions, the amount of available working hours will fluctuate. To assist us in determining how this time is distributed, Delta Sonic will follow certain guidelines. The higher the level of certification that you achieve, as well as longevity and open availability, increases the opportunity for you to be selected to receive available work hours & time working in a tipped position. Delta Tech Level 1 employees are never guaranteed hours or rotation time in a tipped position.**

Job functions are assigned to you by your manager and are dependent upon your Delta Tech certification level, as well as the needs of our business operations and staffing requirements. Whenever you are instructed by your manager to work in a specific job function, it is your responsibility to clock into the appropriate job function to ensure that you are paid the correct pay rate.

While working any hours in a non-tipped job function, you will be paid an hourly rate of **\$7.25**.

When working in a tipped job function, you can be assured that your total average hourly pay rate for those hours worked will be guaranteed to be no less than **\$7.30** per hour. Your hourly pay will be made up of a base pay rate of **\$5.50** per hour **plus tips**.

At the completion of your work shift, you are required to claim how much money you made in tips that day. If you worked in a non-tipped position or you did not make any tips that day you still need to put "0" in the block for that day. At the end of each week, payroll will calculate the amount of tips you made along with the number of hours you worked in a tipped position. If you did not make enough in tips while working in a tipped position to ensure your total pay (base pay and tips) comes up to **\$7.30**, we will add in the difference to make sure we meet the guarantee of **\$7.30**. (See examples below)

On busy days, you may work as a Bay Watcher or Programmer. In these positions, you will be paid **\$8.00/hr**

-----**Examples of Guaranteed Rates while in a tipped position**-----

16 Hours	x 5.50 per hour =	\$88.00		20 hours	x5.50per hour =	\$110.00
	\$20.00 (Tips)	\$20.00			\$74.00 (Tips)	\$74.00
Company Makeup Pay	<b>\$0.55 /hr</b>	\$8.80		Company Makeup Pay	<b>\$0.00/hr</b>	\$0.00
	Total	\$116.80			Total	\$184.00
	Paid	\$7.30/hr			Paid	\$9.20/hr
	OT Rate	\$10.95/hr			OT Rate	\$13.80/hr

**Signed Acknowledgment Section:**

I have been explained the Delta Technician Level 1 Pay Rates and fully understand how I will be paid.

Print Name: Jacklyn Lenz

Employee Signature: Jacklyn Lenz Date 2/2/13



## Delta Technician

Employee name: Alex Marshante Date of hire: 11/12/11

Delta Technician position has many different job functions within the job description. Some of those duties include but are not limited to power washing vehicles, drying cars, programming cars, bay watching, cleaning the inside of vehicles, washing towels, cleaning the bathrooms, sweeping floors, cleaning the parking lots. Regardless of what job function you are performing you can be assured that your total average hourly pay rate for the week will be guaranteed to be no less than **\$7.30** per hour. Your hourly pay will be made up of a base pay rate of **\$5.50** per hour **plus tips**.

At the completion of your work shift, you are required to claim how much money you made in tips that day. If you worked in a non-tipped position or you did not make any tips that day you still need to put "0" in the block for that day. At the end of each week, payroll will calculate the amount of tips you made along with the number of hours you worked. If you did not make enough in tips to ensure your total pay (base pay and tips) comes up to **\$7.30**, we will add in the difference to make sure we meet the guarantee of **\$7.30**. (See examples below)

### Commissions on Express Services

Once an employee is trained and certified to either sell or perform Express Services (Express Hand Wax, Express Carpet Shampoo, etc.) they are eligible to receive commissions and tips while either performing or selling these services.

### Examples

#### Work Week 1:

16 hours	x	\$5.50	per hour	=	\$88.00
	+	\$10.00	Tips		\$10.00
	+	\$3.00	Commissions		\$3.00
Company makeup		\$0.99	Hour		
			Makeup Pay		\$15.80
			Total	=	\$116.80
			PAID		\$7.30 hour
OT= Avg hourly pay	x	1.5	Overtime Rate		\$10.95 hour

#### Work Week 2:

20 hours	x	\$5.50	per hour	=	\$110.00
	+	\$54.00	Tips		\$54.00
	+	\$7.50	Commissions		\$7.50
Company makeup		\$0.00	Hour		
			Makeup Pay		\$0.00
			Total	=	\$171.50
			PAID		\$8.58 hour
OT= Avg hourly pay	x	1.5	Overtime Rate		\$12.86 hour

AMM I understand that as the above examples reflect that my rate of pay and overtime rate will  
(Employee initials)  
change based on amounts of earnings of tips and commissions respectively.



## Delta Technician

Employee name: Hashim McCullough Date of hire: 11/13/2010

Delta Technician position has many different job functions within the job description. Some of those duties include but are not limited to power washing vehicles, drying cars, programming cars, bay watching, cleaning the inside of vehicles, washing towels, cleaning the bathrooms, sweeping floors, cleaning the parking lots. Regardless of what job function you are performing you can be assured that your total average hourly pay rate for the week will be guaranteed to be no less than **\$7.30** per hour. Your hourly pay will be made up of a base pay rate of **\$5.50** per hour **plus tips**.

At the completion of your work shift, you are required to claim how much money you made in tips that day. If you worked in a non-tipped position or you did not make any tips that day you still need to put "0" in the block for that day. At the end of each week, payroll will calculate the amount of tips you made along with the number of hours you worked. If you did not make enough in tips to ensure your total pay (base pay and tips) comes up to **\$7.30**, we will add in the difference to make sure we meet the guarantee of **\$7.30**. (See examples below)

### Commissions on Express Services

Once an employee is trained and certified to either sell or perform Express Services (Express Hand Wax, Express Carpet Shampoo, etc.) they are eligible to receive commissions and tips while either performing or selling these services.

### Examples

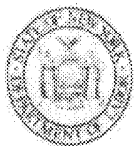
Work Week 1:

16 hours	x	\$5.50	per hour	=	\$88.00
	+	\$10.00	Tips		\$10.00
	+	\$3.00	Commissions		\$3.00
Company makeup		\$0.99	Hour		
			Makeup Pay		\$15.80
			Total	=	\$116.80
			PAID		\$7.30 hour
OT= Avg hourly pay	x	1.5	Overtime Rate		\$10.95 hour

Work Week 2:

20 hours	x	\$5.50	per hour	=	\$110.00
	+	\$54.00	Tips		\$54.00
	+	\$7.50	Commissions		\$7.50
Company makeup		\$0.00	Hour		
			Makeup Pay		\$0.00
			Total	=	\$171.50
			PAID		\$8.58 hour
OT= Avg hourly pay	x	1.5	Overtime Rate		\$12.86 hour

HM I understand that as the above examples reflect that my rate of pay and overtime rate will  
(Employee initials)  
change based on amounts of earnings of tips and commissions respectively.



**Labor Law Section 195(1)**  
**Notice and Acknowledgement of Wage Rate and Designated Payday**  
**Hourly Rate Plus Overtime**

<u>Employer</u>	<u>Employee</u>
Company Name <u>Delta Sonic Car Wash System, Inc.</u>	Name <u>Hashim McCullough</u>
FEIN <u>16-0972035</u>	Street Address <u>31 Beach St</u>
Street Address <u>570 Delaware Avenue</u>	Apt. _____ City <u>Rochester</u>
City <u>Buffalo</u> State <u>New York</u>	State <u>NY</u> Zip <u>14621</u>
Zip <u>14202</u>	Phone <u>(585) 484-2494</u>
Phone <u>(716) 541-2100</u>	
Preparer's Name <u>Mania Zahos</u>	
Preparer's Title <u>owner</u>	
Your rate of pay: \$ _____ <b>** (Please see attachment for details)</b> _____ per hour.	
Your rate of pay: _____ salary per _____	
Other rate of pay: _____ per _____	
Your overtime rate of pay: \$ _____ <b>** (Please see attachment for details)</b> _____ per hour.	
Designated pay day: <u>Weekly on Fridays</u>	

I hereby certify that I have read the above and the information contained in this form is true and accurate to the best of my knowledge and belief. Any false statements knowingly made are punishable as a class A misdemeanor (Section 210.45 of the New York State Penal Law).

Date: 11/13/10

Mania C. Zahos  
 [Preparer's Signature]

**General Statement Regarding Overtime Pay in New York:**

Almost all employees in New York must be paid overtime wages of 1 ½ times their regular rate of pay for all hours worked over 40 per workweek. A very limited number of specific categories of employees are covered by overtime at a lower overtime rate or not at all.

I hereby acknowledge that I have been notified of my wage rate, overtime rate, and designated pay day on the date set forth below.

Date: 11/13/10

Hashim McCullough  
 [Employee's Signature]

*A duplicate signed copy of this form is to be provided to the employee. Original must be kept by the employer.*





## Delta Technician

Employee name: Andrew Tallmeyer Date of hire: 4/10/10

Delta Technician position has many different job functions within the job description. Some of those duties include but are not limited to power washing vehicles, drying cars, programming cars, bay watching, cleaning the inside of vehicles, washing towels, cleaning the bathrooms, sweeping floors, cleaning the parking lots. Regardless of what job function you are performing you can be assured that your total average hourly pay rate for the week will be guaranteed to be no less than **\$7.30** per hour. Your hourly pay will be made up of a base pay rate of **\$5.50** per hour **plus tips**.

At the completion of your work shift, you are required to claim how much money you made in tips that day. If you worked in a non-tipped position or you did not make any tips that day you still need to put "0" in the block for that day. At the end of each week, payroll will calculate the amount of tips you made along with the number of hours you worked. If you did not make enough in tips to ensure your total pay (base pay and tips) comes up to **\$7.30**, we will add in the difference to make sure we meet the guarantee of **\$7.30**. (See examples below)

### Commissions on Express Services

Once an employee is trained and certified to either sell or perform Express Services (Express Hand Wax, Express Carpet Shampoo, etc.) they are eligible to receive commissions and tips while either performing or selling these services.

### Examples

Work Week 1:

16 hours	x	\$5.50	per hour	=	\$88.00
	+	\$10.00	Tips		\$10.00
	+	\$3.00	Commissions		\$3.00
Company makeup		\$0.99	Hour		
			Makeup Pay		\$15.80
			Total	=	\$116.80
OT= Avg hourly pay	x	1.5	PAID	\$7.30	hour
			Overtime Rate	\$10.95	hour

Work Week 2:

20 hours	x	\$5.50	per hour	=	\$110.00
	+	\$54.00	Tips		\$54.00
	+	\$7.50	Commissions		\$7.50
Company makeup		\$0.00	Hour		
			Makeup Pay		\$0.00
			Total	=	\$171.50
OT= Avg hourly pay	x	1.5	PAID	\$8.58	hour
			Overtime Rate	\$12.86	hour

AT I understand that as the above examples reflect that my rate of pay and overtime rate will  
(Employee initials)  
change based on amounts of earnings of tips and commissions respectively.



**Labor Law Section 195(1)**  
**Notice and Acknowledgement of Wage Rate and Designated Payday**  
**Hourly Rate Plus Overtime**

<u>Employer</u>	<u>Employee</u>
Company Name <u>Delta Sonic Car Wash System, Inc.</u>	Name <u>Andrew Tomlinghast</u>
FEIN <u>16-0972035</u>	Street Address <u>39 Bayberry</u>
Street Address <u>570 Delaware Avenue</u>	Apt. _____ City <u>West Seneca</u>
City <u>Buffalo</u> State <u>New York</u>	State <u>NY</u> Zip <u>14224</u>
Zip <u>14202</u>	Phone <u>(716) 675-3198</u>
Phone <u>(716) 541-2100</u>	
Preparer's Name <u>Rebecca L. Hengst</u>	
Preparer's Title <u>Trainer</u>	
Your rate of pay: \$ _____ <b>**(Please see attachment for details)</b> per hour.	
Your rate of pay: _____ salary per _____	
Other rate of pay: _____ per _____	
Your overtime rate of pay: \$ _____ <b>**(Please see attachment for details)</b> per hour.	
Designated pay day: <u>Weekly on Fridays</u>	

I hereby certify that I have read the above and the information contained in this form is true and accurate to the best of my knowledge and belief. Any false statements knowingly made are punishable as a class A misdemeanor (Section 210.45 of the New York State Penal Law).

Date: 4/10/10

Rebecca L. Hengst  
 Preparer's Signature

**General Statement Regarding Overtime Pay in New York:**

Almost all employees in New York must be paid overtime wages of 1 1/2 times their regular rate of pay for all hours worked over 40 per workweek. A very limited number of specific categories of employees are covered by overtime at a lower overtime rate or not at all.

I hereby acknowledge that I have been notified of my wage rate, overtime rate, and designated pay day on the date set forth below:

Date: 4/10/10

Andrew Tomlinghast  
 [Employee's Signature]

*A duplicate signed copy of this form is to be provided to the employee. Original must be kept by the employer.*



## Delta Technician

Employee name: Casey Wentling Date of hire: 12/10/11

Delta Technician position has many different job functions within the job description. Some of those duties include but are not limited to power washing vehicles, drying cars, programming cars, bay watching, cleaning the inside of vehicles, washing towels, cleaning the bathrooms, sweeping floors, cleaning the parking lots. Regardless of what job function you are performing you can be assured that your total average hourly pay rate for the week will be guaranteed to be no less than **\$7.30** per hour. Your hourly pay will be made up of a base pay rate of **\$5.50** per hour **plus tips**.

At the completion of your work shift, you are required to claim how much money you made in tips that day. If you worked in a non-tipped position or you did not make any tips that day you still need to put "0" in the block for that day. At the end of each week, payroll will calculate the amount of tips you made along with the number of hours you worked. If you did not make enough in tips to ensure your total pay (base pay and tips) comes up to **\$7.30**, we will add in the difference to make sure we meet the guarantee of **\$7.30**. (See examples below)

### Commissions on Express Services

Once an employee is trained and certified to either sell or perform Express Services (Express Hand Wax, Express Carpet Shampoo, etc.) they are eligible to receive commissions and tips while either performing or selling these services.

### -----Examples-----

Work Week 1:

16	hours	x	\$5.50	per hour	=	\$88.00
		+	\$10.00	Tips		\$10.00
		+	\$3.00	Commissions		\$3.00
Company makeup			\$0.99	Hour		
				Makeup Pay		\$15.80
				Total	=	\$116.80
				PAID		\$7.30 hour
OT= Avg hourly pay	x	1.5	Overtime Rate			\$10.95 hour

Work Week 2:

20	hours	x	\$5.50	per hour	=	\$110.00
		+	\$54.00	Tips		\$54.00
		+	\$7.50	Commissions		\$7.50
Company makeup			\$0.00	Hour		
				Makeup Pay		\$0.00
				Total	=	\$171.50
				PAID		\$8.58 hour
OT= Avg hourly pay	x	1.5	Overtime Rate			\$12.86 hour

EW (Employee initials) I understand that as the above examples reflect that my rate of pay and overtime rate will change based on amounts of earnings of tips and commissions respectively.

# **EXHIBIT C**



## 1. Employer Information

Name:

Delta Sonic Car Wash Systems, Inc

Doing Business As (DBA) name(s):

FEIN (optional):

16-0972035

Physical Address:

570 Delaware Ave  
Buffalo, NY 14202

Mailing Address:

570 Delaware Ave  
Buffalo, NY 14202

Phone: 716-541-2100

## 2. Notice given:

☒ At Hiring☐ On or before February 1☐ Before a change in pay rate (s),  
allowances claimed or payday

## Notice and Acknowledgement of Pay Rate and Payday

Under Section 195.1 of the New York State Labor Law  
Notice for Multiple Hourly Rate Employees

## Delta Technician 1-4

Employee Name  
Dahny Caty Hagan

Employee Name

each rate of pay. The overtime rate may vary  
from week to week.

## 3. Employee Acknowledgement:

On this day I have been notified of my pay rate,  
overtime rate (if eligible), allowances, and  
designated payday on the date given below.  
I told my employer what my primary language  
is.

Check one:

☒ I have been given this pay notice in  
English because it is my primary language.☐ My primary language is \_\_\_\_\_I have been given this pay notice in English  
only, because the Department of Labor does  
not yet offer a pay notice form in my primary  
language.

Employee Signature

Date

Maria Zahos - Trainer

Preparer Name and Title

The employee must receive a signed copy of  
this form. The employer must keep the original  
for 6 years.3. Employee's rate(s) of pay for each type of  
work or shift:

\$ 5.50 per hour for Delta Technician- Plus Tips

\$ 7.25 per hour for Delta Technician-Non-Tipped  
and Training Rate

\$ 7.50 per hour for Delta Technician-Guaranteed

\$ 8.00 per hour for Tipping Wage

\$ 8.00 per hour for Programmer

4. Allowances taken:

☐ None☒ Tips Varies per hour☐ Meals per meal☐ Lodging☐ Other

5. Regular payday: FRIDAY

6. Pay to:

☒ Weekly☐ Bi-weekly☐ Other7. Overtime Pay Rate(s) for each type of work  
or shift:This must be at least 1 1/2 times the worker's  
weighted average of the multiple rates of pay  
for the week, with few exceptions. The  
weighted average is the total regular pay  
divided by the total hours worked in the week.  
The overtime rate may vary from week to week  
depending on how many hours you worked at

LS 55709/21



### 1. Employer Information

Name:

Delta Sonic Car Wash System, Inc

Doing Business As (DBA) name(s):

FEIN (optional):

16-0972035

Physical Address:

570 Delaware Ave  
Buffalo, NY 14202

Mailing Address:

570 Delaware Ave  
Buffalo, NY 14202

Phone: 716-541-2100

### 2. Notice given:

- ☒ At hiring  
☐ On or before February 1  
☐ Before a charge in pay rate (s),  
allowances claimed or payday

## Notice and Acknowledgement of Pay Rate and Payday

### Under Section 195.1 of the New York State Labor Law

#### Notice for Multiple Hourly Rate Employees

### 3. Employee's rate(s) of pay for each type of work or shift:

\$ 5.40 per hour for Delta Technician- Plus Tips  
\$ 7.25 per hour for Delta Technician-Non-Tipped  
\$ 7.30 per hour for Delta Technician-Guarantee  
\$ 8.00 per hour for Programmer Tipping Wage

### 4. Allowances taken:

- ☐ None  
☒ Tips Varies per hour  
☐ Meals per meal  
☐ Lodging  
☐ Other

### 5. Regular payday:

FRIDAY

### 6. Pay is:

- ☒ Weekly  
☐ Bi-weekly  
☐ Other

### 7. Overtime Pay Rate(s) for each type of work or shift:

This must be at least 1½ times the worker's weighted average of the multiple rates of pay for the week, with few exceptions. The weighted average is the total regular pay divided by the total hours worked in the week. The overtime rate may vary from week to week depending on how many hours you worked at

## Delta Technician I- New 2012

\*Employee should be given a copy of the corresponding pay sheet\*

Kiwan M. Banks

\*\*Employee Print Full Legal Name

each rate of pay. The overtime rate may vary from week to week.

### 8. Employee Acknowledgement:

On this day I have been notified of my pay rate, overtime rate (if eligible), allowances, and designated payday on the date given below. I told my employer what my primary language is.

### Check one:

- ☒ I have been given this pay notice in English because it is my primary language.  
☐ My primary language is \_\_\_\_\_ I have been given this pay notice in English only, because the Department of Labor does not yet offer a pay notice form in my primary language.

Kiwan Banks

Employee Signature

7/21/12

Date

Maria Zahos - Trainer

Preparer Name and Title

The employee must receive a signed copy of this form. The employer must keep the original for 6 years.



**Notice and Acknowledgement of Pay Rate and Payday**  
**Under Section 195.1 of the New York State Labor Law**  
 Notice for Multiple Hourly Rate Employees

**Delta Technician I- New 2012**

\*Employee should be given a copy of the corresponding pay sheet\*\*  
Jason Bartoszczak  
 \*\*Employee Print Full Legal Name

each rate of pay, the overtime rate may vary  
 Buffalo, NY 14202  
 from week to week.

**3. Employee's rate(s) of pay for each type of work or shift:**

\$ 5.40 per hour for Delta Technician- Plus Tips  
 \$ 7.25 per hour for Delta Technician-Non-Tipped and Training  
 \$ 7.30 per hour for Delta Technician-Guarantee Tipping Wage  
 \$ 8.00 per hour for Programmer

**4. Allowances taken:**

☐ None  
☒ Tips Varies per hour  
☐ Meals per meal  
☐ Lodging  
☐ Other

**5. Regular payday:** FRIDAY

**6. Pay is:**

☒ Weekly  
☐ Bi-weekly  
☐ Other

**7. Overtime Pay Rate(s) for each type of work or shift:**

This must be at least 1½ times the worker's weighted average of the multiple rates of pay for the week, with few exceptions. The weighted average is the total regular pay divided by the total hours worked in the week. The overtime rate may vary from week to week depending on how many hours you worked at

**1. Employer Information**

Name:

Delta Sonic Car Wash System, Inc

Buffalo, NY 14202  
 Doing Business As (DBA) name(s):

FEIN (optional):

16-0972035

Buffalo, NY 14202

570 Delaware Ave

Buffalo, NY 14202

Buffalo, NY 14202

Mailing Address:

570 Delaware Ave

Buffalo, NY 14202

Buffalo, NY 14202

Phone: 716-541-2100

**2. Notice** Buffalo, NY 14202

☐ At hiring  
☐ On or before February 1  
☒ Before a change in pay rate (s), allowances claimed or payday

**8. Employee Acknowledgement:**

On this day I have been notified of my pay rate, overtime rate (if eligible), allowances, and designated payday on the date given below. I told my employer what my primary language is.

**Check one:**

☒ I have been given this pay notice in English because it is my primary language.  
☐ My primary language is \_\_\_\_\_ I have been given this pay notice in English only, because the Department of Labor does not yet offer a pay notice form in my primary language.

Employee Signature

12 - 6 - 12

Date

Russen Tabor Siskison  
 Preparer Name and Title

The employee must receive a signed copy of this form. The employer must keep the original for 6 years.



# Notice and Acknowledgement of Pay Rate and Payday

Under Section 195.1 of the New York State Labor Law  
Notice for Multiple Hourly Rate Employees

## Delta Technician I- New 2012

\*Employee should be given a copy of the corresponding pay sheet\*

Amanda H. Conteh

\*\*Employee Print Full Legal Name

### 1. Employer Information

Name:

Delta Sonic Car Wash System, Inc

Doing Business As (DBA) name(s):

FEIN (optional):

16-0972035

Physical Address:

570 Delaware Ave  
Buffalo, NY 14202

Mailing Address:

570 Delaware Ave  
Buffalo, NY 14202

Phone: 716-541-2100

### 2. Notice given:

- ☒ At Hiring  
☐ On or before February 1  
☐ Before a change in pay rate (s).  
allowances claimed or payday

### 3. Employee's rate(s) of pay for each type of work or shift:

\$ 5.50 per hour for Delta Technician- Plus Tips  
\$ 7.25 per hour for Delta Technician-Non-Tipped and Training Rate  
\$ 7.30 per hour for Delta Technician-Guarantee Tipping Wage  
\$ 8.00 per hour for Programmer

### 4. Allowances taken:

- ☐ None  
☒ Tips Varies per hour  
☐ Meals per meal  
☐ Lodging per meal  
☐ Other per meal

### 5. Regular payday:

FRIDAY

### 6. Pay is:

- ☒ Weekly  
☐ Bi-weekly  
☐ Other

### 7. Overtime Pay Rate(s) for each type of work or shift:

This must be at least 1½ times the worker's weighted average of the multiple rates of pay for the week, with few exceptions. The weighted average is the total regular pay divided by the total hours worked in the week. The overtime rate may vary from week to week depending on how many hours you worked at

### 8. Employee Acknowledgement:

On this day I have been notified of my pay rate, overtime rate (if eligible), allowances, and designated payday on the date given below. I told my employer what my primary language is.

### Check one:

- ☒ I have been given this pay notice in English because it is my primary language.  
☐ My primary language is English.  
I have been given this pay notice in English only, because the Department of Labor does not yet offer a pay notice form in my primary language.

Amanda Conteh  
Employee Signature

12/8/12  
Date

Gurmay Sutton  
Preparer Name and Title

The employee must receive a signed copy of this form. The employer must keep the original for 6 years.





**Notice and Acknowledgement of Pay Rate and Payday**  
**Under Section 195.1 of the New York State Labor Law**  
**Notice for Multiple Hourly Rate Employees**

**Delta Technician 1-4**

Paul Datilo

**1. Employer Information**

Name:

Delta Sonic Car Wash Systems, Inc

Doing Business As (DBA) name(s):

FEIN (optional):

16-0972035

Physical Address:

570 Delaware Ave  
Buffalo, NY 14202

Mailing Address:

570 Delaware Ave  
Buffalo, NY 14202

Phone: 716-541-2100

**2. Notice given:**

- ☒ At hiring  
☐ On or before February 1  
☐ Before a change in pay rate (s),  
allowances claimed or payday

**3. Employee's rate(s) of pay for each type of work or shift:**

\$ 5.50 per hour for Delta Technician- Plus Tips  
\$ 7.25 per hour for Delta Technician-Non-Tipped  
\$ 7.30 per hour for and Training Rate  
\$ 7.30 per hour for Delta Technician-Guarantee  
\$ 8.00 per hour for Tipping Wage  
\$ 8.00 per hour for Programmer

**4. Allowances taken:**

- ☐ None  
☒ Tips Varies per hour  
☐ Meals per meal  
☐ Lodging per meal  
☐ Other per meal

**5. Regular payday:** FRIDAY

**6. Pay is:**

- ☒ Weekly  
☐ Bi-weekly  
☐ Other

**7. Overtime Pay Rate(s) for each type of work or shift:**

This must be at least 1½ times the worker's weighted average of the multiple rates of pay for the week, with few exceptions. The weighted average is the total regular pay divided by the total hours worked in the week. The overtime rate may vary from week to week depending on how many hours you worked at

each rate of pay. The overtime rate may vary from week to week.

**8. Employee Acknowledgement:**

On this day I have been notified of my pay rate, overtime rate (if eligible), allowances, and designated payday on the date given below. I told my employer what my primary language is.

**Check one:**

- ☒ I have been given this pay notice in English because it is my primary language.  
☐ My primary language is English. I have been given this pay notice in English only, because the Department of Labor does not yet offer a pay notice form in my primary language.

Paul Datilo  
Employee Signature

9/28/13  
Date

Shanna Norton-Trainor  
Preparer Name and Title

The employee must receive a signed copy of this form. The employer must keep the original for 6 years.



Notice and Acknowledgement of Pay Rate and Payday  
Under Section 195.1 of the New York State Labor Law  
Notice for Multiple Hourly Rate Employees

Delta Technician 1-4

Ayzia Jacobs

1. Employer Information

Name:  
Delta Sonic Car Wash Systems, Inc  
Doing Business As (DBA) name(s):

FEIN (optional):  
16-0972035

Physical Address:  
570 Delaware Ave  
Buffalo, NY 14202

Mailing Address:  
570 Delaware Ave  
Buffalo, NY 14202

Phone: 716-541-2100

2. Notice given:

- ☒ At hiring  
☐ On or before February 1  
☐ Before a change in pay rate (s),  
allowances claimed or payday

3. Employee's rate(s) of pay for each type of work or shift:

\$ 5.50 per hour for Delta Technician- Plus Tips  
\$ 7.25 per hour for Delta Technician-Non-Tipped  
\$ 7.30 per hour for Delta Technician-Guarantee  
\$ 8.00 per hour for Programmer Tipping Wage

4. Allowances taken:

- ☐ None  
☒ Tips Varies per hour  
☐ Meals per meal  
☐ Lodging  
☐ Other

5. Regular payday: FRIDAY

6. Pay is:

- ☒ Weekly  
☐ Bi-weekly  
☐ Other

7. Overtime Pay Rate(s) for each type of work or shift:

This must be at least 1½ times the worker's weighted average of the multiple rates of pay for the week, with few exceptions. The weighted average is the total regular pay divided by the total hours worked in the week. The overtime rate may vary from week to week depending on how many hours you worked at

each rate of pay. The overtime rate may vary from week to week.

8. Employee Acknowledgement:

On this day I have been notified of my pay rate, overtime rate (if eligible), allowances, and designated payday on the date given below. I told my employer what my primary language is.

Check one:

- ☒ I have been given this pay notice in English because it is my primary language.  
☐ My primary language is .  
I have been given this pay notice in English only, because the Department of Labor does not yet offer a pay notice form in my primary language.

Employee Signature

Ayzia Jacobs

Date

6/22/13

Preparer Name and Title

Gourney Sutton Trainer

The employee must receive a signed copy of this form. The employer must keep the original for 6 years.



**Notice and Acknowledgement of Pay Rate and Payday**  
**Under Section 195.1 of the New York State Labor Law**  
 Notice for Multiple Hourly Rate Employees

**Delta Technician 1-4**

Bailey Kish

Print Full Name Clearly

**1. Employer Information**

Name:

Delta Sonic Car Wash Systems, Inc

Doing Business As (DBA) name(s):

FEIN (optional):

16-0972035

Physical Address:

570 Delaware Ave  
 Buffalo, NY 14202

Mailing Address:

570 Delaware Ave  
 Buffalo, NY 14202

Phone: 716-541-2100

**2. Notice given:**

- ☒ At Hiring  
☐ On or before February 1  
☐ Before a change in pay rate (s)  
 allowances claimed or payday

**3. Employee's rate(s) of pay for each type of work or shift:**

\$ 6.05 per hour for Delta Technician- Plus Tips  
 \$ 8.00 per hour for Delta Technician-Non-Tipped,  
 \$ 8.25 per hour for Programmer/Baywatching  
 \$ 8.50 per hour for Paint Specialist-  
 Certification Required

**4. Allowances taken:**

- ☐ None  
☒ Tips Varies per hour  
☐ Meals per meal  
☐ Lodging  
☐ Other

**5. Regular payday:** FRIDAY

**6. Pay is:**

- ☒ Weekly  
☐ Bi-weekly  
☐ Other

**7. Overtime Pay Rate(s) for each type of work or shift:**

This must be at least 1½ times the worker's weighted average of the multiple rates of pay for the week, with few exceptions. The weighted average is the total regular pay divided by the total hours worked in the week. The overtime rate may vary from week to week depending on how many hours you worked at

each rate of pay. The overtime rate may vary from week to week.

**8. Employee Acknowledgement:**

On this day I have been notified of my pay rate, overtime rate (if eligible), allowances, and designated payday on the date given below. I told my employer what my primary language is.

**Check one:**

- ☒ I have been given this pay notice in English because it is my primary language.  
☐ My primary language is \_\_\_\_\_  
 I have been given this pay notice in English only, because the Department of Labor does not yet offer a pay notice form in my primary language.

Employee Signature

03/08/2014

Date

Preparer Name and Title

The employee must receive a signed copy of this form. The employer must keep the original for 6 years.



### 1. Employer Information

Name:

Delta Sonic Car Wash System, Inc

Doing Business As (DBA) name(s):

FEIN (optional):

16-0972035

Physical Address:

570 Delaware Ave  
Buffalo, NY 14202

Mailing Address:

570 Delaware Ave  
Buffalo, NY 14202

Phone: 716-541-2100

### 2. Notice given:

- ☒ At firing  
☐ On or before February 1  
☐ Before a change in pay rate (s).  
allowances claimed or payday

## Notice and Acknowledgement of Pay Rate and Payday

### Under Section 195.1 of the New York State Labor Law

Notice for Multiple Hourly Rate Employees

### 3. Employee's rate(s) of pay for each type of work or shift:

\$ 5.50 per hour for Delta Technician- Plus Tips  
\$ 7.25 per hour for Delta Technician-Non-Tipped and Training Rate  
\$ 7.30 per hour for Delta Technician-Guarantee Tipping Wage  
\$ 8.00 per hour for Programmer

### 4. Allowances taken:

- ☐ None  
☒ Tips Varies per hour  
☐ Meals per meal  
☐ Lodging per meal  
☐ Other per meal

### 5. Regular payday: FRIDAY

### 6. Pay is:

- ☒ Weekly  
☐ Bi-weekly  
☐ Other

### 7. Overtime Pay Rate(s) for each type of work or shift:

This must be at least 1½ times the worker's weighted average of the multiple rates of pay for the week, with few exceptions. The weighted average is the total regular pay divided by the total hours worked in the week. The overtime rate may vary from week to week depending on how many hours you worked at

## Delta Technician I - New 2012

\*Employee should be given a copy of the corresponding pay sheet\*

Jacklyn Swane Lenz

\*\*Employee Print Full Legal Name

each rate of pay. The overtime rate may vary from week to week.

### 8. Employee Acknowledgement:

On this day I have been notified of my pay rate, overtime rate (if eligible), allowances, and designated payday on the date given below. I told my employer what my primary language is.

### Check one:

- ☒ I have been given this pay notice in English because it is my primary language.  
☐ My primary language is English. I have been given this pay notice in English only, because the Department of Labor does not yet offer a pay notice form in my primary language.

Jacklyn Swane Lenz  
Employee Signature

2/7/13  
Date

Jacklyn Swane Lenz  
Preparer Name and Title  
TVanner

The employee must receive a signed copy of this form. The employer must keep the original for 6 years.



# Notice and Acknowledgement of Pay Rate and Payday

Under Section 195.1 of the New York State Labor Law  
Notice for Multiple Hourly Rate Employees

## 1. Employer Information

Name:  
Delta Sonic Car Wash System, Inc

Doing Business As (DBA) name(s):

FEIN (optional):  
16-0972035

Physical Address:  
570 Delaware Ave  
Buffalo, NY 14202

Mailing Address:  
570 Delaware Ave  
Buffalo, NY 14202

Phone: 716-541-2100

## 2. Notice given:

- ☒ At hiring  
☐ On or before February 1  
☐ Before a change in pay rate (s),  
allowances claimed or payday

## 3. Employee's rate(s) of pay for each type of work or shift:

\$ 5.50 per hour for Delta Technician- Plus Tips  
\$ 7.25 per hour for Delta Technician-Training  
\$ per hour for

## 4. Allowances taken:

- ☐ None  
☒ Tips Varies per hour  
☐ Meals per meal  
☐ Lodging  
☐ Other

## 5. Regular payday:

FRIDAY

## 6. Pay is:

- ☒ Weekly  
☐ Bi-weekly  
☐ Other

## 7. Overtime Pay Rate(s) for each type of work or shift:

This must be at least 1½ times the worker's weighted average of the multiple rates of pay for the week, with few exceptions. The weighted average is the total regular pay divided by the total hours worked in the week. The overtime rate may vary from week to week depending on how many hours you worked at

each rate of pay. The overtime rate may vary from week to week.

\*\*See attached sheet for examples\*\*

## 8. Employee Acknowledgement:

On this day I have been notified of my pay rate, overtime rate (if eligible), allowances, and designated payday on the date given below. I told my employer what my primary language is.

## Check one:

- ☒ I have been given this pay notice in English because it is my primary language.  
☐ My primary language is .  
I have been given this pay notice in English only, because the Department of Labor does not yet offer a pay notice form in my primary language.

Alex Macaluso  
Employee Signature

11/12/11  
Date

Nicole Jankiewicz  
Preparer Name and Title

The employee must receive a signed copy of this form. The employer must keep the original for 6 years.



# Notice and Acknowledgement of Pay Rate and Payday

Under Section 195.1 of the New York State Labor Law  
Notice for Multiple Hourly Rate Employees

McCullough, Hashim J.- Delta Tech Wash  
1815- Car Wash

\*\*Employee Print Full Legal Name

each rate of pay. The overtime rate may vary from week to week.

## 8. Employee Acknowledgement:

On this day I have been notified of my pay rate, overtime rate (if eligible), allowances, and designated payday on the date given below. I told my employer what my primary language is.

Check one:

☒ I have been given this pay notice in English because it is my primary language.

☐ My primary language is \_\_\_\_\_ I have been given this pay notice in English only, because the Department of Labor does not yet offer a pay notice form in my primary language.

Hashim J. McCull  
Employee Signature

7/21/12  
Date

Paul Lutz- Director, Human Resources

Preparer Name and Title

If your primary language is NOT English, please contact the Delta Sonic Human Resources Department so that we can provide this notice in your primary language.

## 3. Employee's rate(s) of pay for each type of work or shift:

\$ 5.50 per hour for Delta Technician- Plus Tips  
\$ 7.30 per hour for Delta Technician-Guarantee  
\$ \_\_\_\_\_ per hour for \_\_\_\_\_

## 4. Allowances taken:

☐ None  
☒ Tips Varies per hour  
☐ Meals \_\_\_\_\_ per meal  
☐ Lodging \_\_\_\_\_  
☐ Other \_\_\_\_\_

## 5. Regular payday: FRIDAY

## 6. Pay is:

☒ Weekly  
☐ Bi-weekly  
☐ Other

## 7. Overtime Pay Rate(s) for each type of work or shift:

This must be at least 1½ times the worker's weighted average of the multiple rates of pay for the week, with few exceptions. The weighted average is the total regular pay divided by the total hours worked in the week. The overtime rate may vary from week to week depending on how many hours you worked at

## 1. Employer Information

Name:  
Delta Sonic Car Wash System, Inc

Doing Business As (DBA) name(s):

FEIN (optional):  
16-0972035

Physical Address:  
570 Delaware Ave  
Buffalo, NY 14202

Mailing Address:  
570 Delaware Ave  
Buffalo, NY 14202

Phone: 716-541-2100

## 2. Notice given:

☐ At hiring  
☒ On or before February 1  
☐ Before a change in pay rate (s), allowances claimed or payday

**Notice and Acknowledgement of Pay Rate and Payday**

Under Section 195.1 of the New York State Labor Law  
 Notice for Multiple Hourly Rate Employees

**It is required that this form be completed prior to ANY employee working in a tipped position.**

**1. Employer Information**

**Name:** Delta Sonic Car Wash Systems, Inc.  
**Doing Business As (DBA) name(s):** N/A  
**FEIN (optional):** 16-0972035  
**Physical Address:** 570 Delaware Ave. Buffalo, NY 14202  
**Mailing Address:** 570 Delaware Ave. Buffalo, NY 14202  
**Phone:** (716) 541-2100

**2. Notice Given:**

- ☒ At hiring  
☐ Before a change in pay rate(s), allowances claimed, or payday

**3. Employer's rate(s) of pay for each type of work or shift:**

**\$8.75** per hour for Delta Tech - Tipped Position (Less tip allowance)  
**\$8.75\*** per hour for Delta Tech Non-Tipped Position/Training Rate  
**\$8.75\*** per hour for Powerwashing & Bay Watching  
**\$9.25\*** per hour for Paint Specialist & Programmer

**4. Regular Payday:** Friday

**5. Pay is:**

- ☒ Weekly  
☐ Bi-Weekly  
☐ Other

**4. Allowances taken:**

- ☐ None  
☒ Tips Varies per hour (see chart)\*\*  
☐ Meals \_\_\_\_\_ per meal  
☐ Lodging \_\_\_\_\_  
☐ Other \_\_\_\_\_

Average Hourly Tip Amount (per week)	Tip Allowance	Tipped Pay Rate
Tips \$1.29 or less	\$0.00	\$8.75
Tips \$1.30-\$2.14	\$1.30	\$7.45
Tips \$2.15 or more	\$2.15	\$6.60

**7. Overtime Pay Rate(s) for each type of work or shift:**

This must be at least 1.5 times the worker's weighted average of the multiple rates of pay for the week, with few exceptions. The weighted average is the total regular pay divided by the total hours worked in the week. The overtime rate may vary from week to week depending on how many hours you worked with each rate of pay.

**8. Employee Acknowledgement**

On this day, I have been notified of my pay rate, overtime rate (if eligible), allowances, and designated payday on the date given below. I told my employer what my primary language is. If my primary language is **not** English, contact Human Resources for the appropriate form.

**Select one:**

- ☐ I have been given this pay notice in English because it is my primary language.  
☐ My primary language is \_\_\_\_\_. I have been given this pay notice in English only because the Department of Labor does not yet offer a pay notice form in my primary language.

Zachary Stanton

Employee Name (Print full legal name)

Zach Stanton

Employee Signature

2/3/15

Date

Lizemh trainer

Preparer Name & Title

*The employee must receive a signed copy of this form. The employer must keep the original for six years.*

\*0.15 per hour/years of service will be added to the base hourly rate for all **non-tipped hours**.

\*\* The tip allowance claimed by the employer cannot exceed the amount of tips actually received by the tipped employee. All tips received by the tipped employee are to be retained by the employee. The tip credit will not apply to any tipped employee unless the employee has been informed of these tip provisions.



# Notice and Acknowledgement of Pay Rate and Payday

Under Section 195.1 of the New York State Labor Law  
Notice for Multiple Hourly Rate Employees

## 1. Employer Information

Name:  
Delta Sonic Car Wash System, Inc

Doing Business As (DBA) name(s):

FEIN (optional):  
16-0972035

Physical Address:  
570 Delaware Ave  
Buffalo, NY 14202

Mailing Address:  
570 Delaware Ave  
Buffalo, NY 14202

Phone: 716-541-2100

## 2. Notice given:

- ☒ At hiring  
☐ On or before February 1  
☐ Before a change in pay rate (s),  
allowances claimed or payday

## 3. Employee's rate(s) of pay for each type of work or shift:

\$ 5.50 per hour for Delta Technician- Plus Tips  
 \$ 7.25 per hour for Delta Technician-Training  
 \$ per hour for

## 4. Allowances taken:

- ☐ None  
☒ Tips Varies per hour  
☐ Meals per meal  
☐ Lodging  
☐ Other

## 5. Regular payday:

FRIDAY

## 6. Pay is:

- ☒ Weekly  
☐ Bi-weekly  
☐ Other

## 7. Overtime Pay Rate(s) for each type of work or shift:

This must be at least 1½ times the worker's weighted average of the multiple rates of pay for the week, with few exceptions. The weighted average is the total regular pay divided by the total hours worked in the week. The overtime rate may vary from week to week depending on how many hours you worked at

each rate of pay. The overtime rate may vary from week to week.  
 \*\*See attached sheet for examples\*\*

## 8. Employee Acknowledgement:

On this day I have been notified of my pay rate, overtime rate (if eligible), allowances, and designated payday on the date given below. I told my employer what my primary language is.

## Check one:

- ☒ I have been given this pay notice in English because it is my primary language.  
☐ My primary language is I have been given this pay notice in English only, because the Department of Labor does not yet offer a pay notice form in my primary language.

Cary Wilkins  
Employee Signature

12/10/11  
Date

Maria Rodriguez  
Preparer Name and Title

The employee must receive a signed copy of this form. The employer must keep the original for 6 years.